

# House File 882 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 1588HA)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act making, reducing, and transferring appropriations,  
2 providing for fees, and providing for properly related matters  
3 and including effective and retroactive applicability date  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1588HV 81  
7 mg/cf/24

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1 1 DIVISION I  
1 2 MH/MR/DD ALLOWED GROWTH FUNDING  
1 3 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND  
1 4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS  
1 5 == FISCAL YEAR 2006=2007.  
1 6 1. There is appropriated from the general fund of the  
1 7 state to the department of human services for the fiscal year  
1 8 beginning July 1, 2006, and ending June 30, 2007, the  
1 9 following amount, or so much thereof as is necessary, to be  
1 10 used for the purpose designated:  
1 11 For distribution to counties of the county mental health,  
1 12 mental retardation, and developmental disabilities allowed  
1 13 growth factor adjustment, as provided in this section in lieu  
1 14 of the provisions of section 331.438, subsection 2, and  
1 15 section 331.439, subsection 3, and chapter 426B:  
1 16 ..... \$ 35,788,041  
1 17 2. The funding appropriated in this section is the allowed  
1 18 growth factor adjustment for fiscal year 2006=2007, and is  
1 19 allocated as follows:  
1 20 a. For distribution to counties for fiscal year 2005=2006  
1 21 in accordance with the formula in section 331.438, subsection  
1 22 2, paragraph "b":  
1 23 ..... \$ 12,000,000  
1 24 b. For deposit in the per capita expenditure target pool  
1 25 created in the property tax relief fund and for distribution  
1 26 in accordance with section 426B.5, subsection 1:  
1 27 ..... \$ 19,361,148  
1 28 c. For deposit in the risk pool created in the property  
1 29 tax relief fund and for distribution in accordance with  
1 30 section 426B.5, subsection 2:  
1 31 ..... \$ 2,000,000  
1 32 d. For distribution to counties as cost share for county  
1 33 coverage of services to adult persons with brain injury in  
1 34 accordance with the law enacted as a result of the provisions  
1 35 of 2005 Iowa Acts, House File 876, or other law providing for  
2 1 such coverage to commence in the fiscal year beginning July 1,  
2 2 2006:  
2 3 ..... \$ 2,426,893  
2 4 DIVISION II  
2 5 STANDING APPROPRIATIONS  
2 6 Sec. 2. Notwithstanding the standing appropriations in the  
2 7 following designated sections for the fiscal year beginning  
2 8 July 1, 2005, and ending June 30, 2006, the amounts  
2 9 appropriated from the general fund of the state pursuant to  
2 10 those sections for the following designated purposes shall not  
2 11 exceed the following amounts:  
2 12 1. For instructional support state aid under section  
2 13 257.20:  
2 14 ..... \$ 14,428,271  
2 15 2. For at-risk children programs under section 279.51,  
2 16 subsection 1:

2 17 ..... \$ 11,271,000  
2 18 The amount of any reduction in this subsection shall be  
2 19 prorated among the programs specified in section 279.51,  
2 20 subsection 1, paragraphs "a", "b", and "c".  
2 21 3. For payment for nonpublic school transportation under  
2 22 section 285.2:  
2 23 ..... \$ 8,273,763  
2 24 If total approved claims for reimbursement for nonpublic  
2 25 school pupil transportation claims exceed the amount  
2 26 appropriated in this section, the department of education  
2 27 shall prorate the amount of each claim.  
2 28 4. For the educational excellence program under section  
2 29 294A.25, subsection 1:  
2 30 ..... \$ 55,469,053  
2 31 5. For the state's share of the cost of the peace  
2 32 officers' retirement benefits under section 411.20:  
2 33 ..... \$ 2,745,784  
2 34 6. For payment of livestock production tax credit refunds  
2 35 under section 422.121:  
3 1 ..... \$ 1,770,342  
3 2 Sec. 3. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF  
3 3 GENERAL FUND REIMBURSEMENT.  
3 4 1. Notwithstanding section 8.57, prior to the  
3 5 appropriation and distribution to the cash reserve fund of the  
3 6 surplus existing in the general fund of the state at the  
3 7 conclusion of the fiscal year beginning July 1, 2004, and  
3 8 ending June 30, 2005, pursuant to section 8.57, subsection 1,  
3 9 of that surplus, \$159,663,964 is appropriated to the property  
3 10 tax credit fund which shall be created in the office of the  
3 11 treasurer of state to be used for the purposes of this  
3 12 section.  
3 13 2. Notwithstanding the amount of the standing  
3 14 appropriation from the general fund of the state in the  
3 15 following designated sections and notwithstanding any  
3 16 conflicting provisions or voting requirements of section 8.56,  
3 17 there is appropriated from the property tax credit fund in  
3 18 lieu of the appropriations in the following designated  
3 19 sections for the fiscal year beginning July 1, 2005, and  
3 20 ending June 30, 2006, the following amounts for the following  
3 21 designated purposes:  
3 22 a. For reimbursement for the homestead property tax credit  
3 23 under section 425.1:  
3 24 ..... \$102,945,379  
3 25 b. For reimbursement for the agricultural land and family  
3 26 farm tax credits under sections 425A.1 and 426.1:  
3 27 ..... \$ 34,610,183  
3 28 c. For reimbursement for the military service tax credit  
3 29 under section 426A.1A:  
3 30 ..... \$ 2,568,402  
3 31 d. For implementing the elderly and disabled tax credit  
3 32 and reimbursement pursuant to sections 425.16 through 425.40:  
3 33 ..... \$ 19,540,000  
3 34 If the director determines that the amount of claims for  
3 35 credit for property taxes due plus the amount of claims for  
4 1 reimbursement for rent constituting property taxes paid which  
4 2 are to be paid during the fiscal year may exceed the amount  
4 3 appropriated, the director shall estimate the percentage of  
4 4 the credits and reimbursements which will be funded by the  
4 5 appropriation. The county treasurer shall notify the director  
4 6 of the amount of property tax credits claimed by June 8. The  
4 7 director shall estimate the percentage of the property tax  
4 8 credit and rent reimbursement claims that will be funded by  
4 9 the appropriation and notify the county treasurer of the  
4 10 percentage estimate by June 15. The estimated percentage  
4 11 shall be used in computing for each claim the amount of  
4 12 property tax credit and reimbursement for rent constituting  
4 13 property taxes paid for that fiscal year. If the director  
4 14 overestimates the percentage of funding, claims for  
4 15 reimbursement for rent constituting property taxes paid shall  
4 16 be paid until they can no longer be paid at the estimated  
4 17 percentage of funding. Rent reimbursement claims filed after  
4 18 that point in time shall receive priority and shall be paid in  
4 19 the following fiscal year. If the director underestimates the  
4 20 percentage of funding, the overage shall remain in the fund  
4 21 established in section 425.39 for payments to be made in the  
4 22 next fiscal year.  
4 23 Sec. 4. Section 257.35, subsection 4, Code 2005, is  
4 24 amended to read as follows:  
4 25 4. Notwithstanding subsection 1, and in addition to the  
4 26 reduction applicable pursuant to subsection 2, the state aid  
4 27 for area education agencies and the portion of the combined

4 28 district cost calculated for these agencies for the fiscal  
4 29 year beginning July 1, ~~2004~~ 2005, shall be reduced by the  
4 30 department of management by eleven million seven hundred  
4 31 ninety-eight thousand seven hundred three dollars. The  
4 32 reduction for each area education agency shall be equal to the  
4 33 reduction that the agency received in the fiscal year  
4 34 beginning July 1, 2003.

4 35 Sec. 5. CASH RESERVE APPROPRIATION FOR FY 2005=2006. For  
5 1 the fiscal year beginning July 1, 2005, and ending June 30,  
5 2 2006, the appropriation to the cash reserve fund provided in  
5 3 section 8.57, subsection 1, paragraph "a", shall not be made.  
5 4 However, any surplus in the general fund of the state for the  
5 5 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
5 6 shall be transferred to the cash reserve fund.

5 7 Sec. 6. EFFECTIVE DATE. The section of this division of  
5 8 this Act creating the property tax credit fund, being deemed  
5 9 of immediate importance, takes effect upon enactment.

5 10 DIVISION III

5 11 OTHER APPROPRIATIONS

5 12 Sec. 7. PKU ASSISTANCE. There is appropriated from the  
5 13 general fund of the state to the department of public health  
5 14 for the fiscal year beginning July 1, 2005, and ending June  
5 15 30, 2006, the following amount, or so much thereof as is  
5 16 necessary, to be used for the purpose designated:  
5 17 For providing grants to individual patients who have  
5 18 phenylketonuria (PKU) to assist with the costs of special food  
5 19 needed:  
5 20 ..... \$ 100,000

5 21 Sec. 8. ARCHIVE GOVERNORS' RECORDS. There is appropriated  
5 22 from the general fund of the state to the department of  
5 23 cultural affairs for the fiscal year beginning July 1, 2005,  
5 24 and ending June 30, 2006, the following amount, or so much  
5 25 thereof as is necessary, to be used for the purpose  
5 26 designated:  
5 27 To match private funding for archiving the records of Iowa  
5 28 governors:  
5 29 ..... \$ 75,000

5 30 Sec. 9. CIVIL AIR PATROL. There is appropriated from the  
5 31 general fund of the state to the state department of  
5 32 transportation for the fiscal year beginning July 1, 2005, and  
5 33 ending June 30, 2006, the following amount, or so much thereof  
5 34 as is necessary, to be used for the purpose designated:  
5 35 For the Iowa civil air patrol:  
6 1 ..... \$ 125,000

6 2 Sec. 10. BIENNIAL REPORTING. There is appropriated from  
6 3 the general fund of the state to the secretary of state for  
6 4 the fiscal year beginning July 1, 2005, and ending June 30,  
6 5 2006, the following amount, or so much thereof as is  
6 6 necessary, to be used for the purpose designated:  
6 7 For administering the biennial reporting requirements for  
6 8 limited liability companies as required in section 490A.131,  
6 9 if enacted by 2005 Iowa Acts, House File 859:  
6 10 ..... \$ 275,000

6 11 Sec. 11. SCHOOL SHARING AND EFFICIENCIES. There is  
6 12 appropriated from the general fund of the state to the  
6 13 department of education for the fiscal year beginning July 1,  
6 14 2005, and ending June 30, 2006, the following amount, or so  
6 15 much thereof as is necessary, to be used for the purpose  
6 16 designated:  
6 17 For implementation of 2005 Iowa Acts, House File 873, if  
6 18 enacted:  
6 19 ..... \$ 200,000

6 20 Sec. 12. 2005 Iowa Acts, House File 809, section 2,  
6 21 subsection 1, paragraph a, if enacted, is amended to read as  
6 22 follows:  
6 23 a. General administration  
6 24 For salaries, support, maintenance, miscellaneous purposes,  
6 25 programs, for the transfer to the Iowa state commission grant  
6 26 program, and for not more than the following full-time  
6 27 equivalent positions:  
6 28 ..... \$ ~~1,956,332~~  
6 29 ..... 1,841,332

6 30 ..... FTEs 28.75

6 31 Sec. 13. 2005 Iowa Acts, House File 809, section 2,  
6 32 subsection 4, if enacted, is amended to read as follows:  
6 33 4. For allocating moneys for the world food prize:  
6 34 ..... \$ ~~285,000~~  
6 35 ..... 400,000

7 1 Sec. 14. 2005 Iowa Acts, House File 810, section 7,  
7 2 subsection 2, if enacted, is amended to read as follows:  
7 3 2. BANKING DIVISION

7 4 For salaries, support, maintenance, and miscellaneous  
 7 5 purposes, and for not more than the following full-time  
 7 6 equivalent positions:  
 7 7 ..... \$ ~~6,583,545~~  
 7 8 6,793,223  
 7 9 ..... FTEs ~~69.00~~  
 7 10 71.00  
 7 11 Sec. 15. 2005 Iowa Acts, House File 810, section 7,  
 7 12 subsection 5, if enacted, is amended to read as follows:  
 7 13 5. PROFESSIONAL LICENSING AND REGULATION DIVISION  
 7 14 For salaries, support, maintenance, and miscellaneous  
 7 15 purposes, and for not more than the following full-time  
 7 16 equivalent positions:  
 7 17 ..... \$ ~~782,671~~  
 7 18 836,921  
 7 19 ..... FTEs ~~12.00~~  
 7 20 12.75  
 7 21 Sec. 16. 2005 Iowa Acts, House File 816, section 5,  
 7 22 subsection 10, unnumbered paragraph 1, if enacted, is amended  
 7 23 to read as follows:  
 7 24 For deposit in the school ready children grants account of  
 7 25 the Iowa empowerment fund created in section 28.9:  
 7 26 ..... \$ ~~22,481,594~~  
 7 27 21,481,594  
 7 28 Sec. 17. 2005 Iowa Acts, House File 816, section 5,  
 7 29 subsection 10, paragraph d, if enacted, is amended to read as  
 7 30 follows:  
 7 31 d. Of the amount appropriated in this subsection for  
 7 32 deposit in the school ready children grants account of the  
 7 33 Iowa empowerment fund, ~~\$1,000,000~~ \$500,000 shall be allocated  
 7 34 to a collaborative effort between the Iowa community  
 7 35 empowerment board and Iowa state university extension to  
 8 1 provide hands-on assistance to child care providers.  
 8 2 Sec. 18. 2005 Iowa Acts, House File 816, section 5,  
 8 3 subsection 12, if enacted, is amended to read as follows:  
 8 4 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM  
 8 5 For purposes, as provided in law, of the student  
 8 6 achievement and teacher quality program established pursuant  
 8 7 to chapter 284:  
 8 8 ..... \$ ~~58,718,894~~  
 8 9 67,618,894  
 8 10 Sec. 19. 2005 Iowa Acts, House File 816, section 5,  
 8 11 subsection 13, if enacted, is amended to read as follows:  
 8 12 13. COMMUNITY COLLEGES  
 8 13 For general state financial aid to merged areas as defined  
 8 14 in section 260C.2 in accordance with chapters 258 and 260C:  
 8 15 ..... \$ ~~146,063,888~~  
 8 16 147,579,244  
 8 17 The funds appropriated in this subsection shall be  
 8 18 allocated as follows:  
 8 19 a. Merged Area I ..... \$ ~~7,050,307~~  
 8 20 7,124,315  
 8 21 b. Merged Area II ..... \$ ~~8,174,864~~  
 8 22 8,258,602  
 8 23 c. Merged Area III ..... \$ ~~7,573,324~~  
 8 24 7,650,479  
 8 25 d. Merged Area IV ..... \$ ~~3,708,637~~  
 8 26 3,746,521  
 8 27 e. Merged Area V ..... \$ ~~7,844,724~~  
 8 28 7,926,341  
 8 29 f. Merged Area VI ..... \$ ~~7,187,687~~  
 8 30 7,261,075  
 8 31 g. Merged Area VII ..... \$ ~~10,452,573~~  
 8 32 10,560,846  
 8 33 h. Merged Area IX ..... \$ ~~12,871,340~~  
 8 34 13,005,054  
 8 35 i. Merged Area X ..... \$ ~~20,387,667~~  
 9 1 20,603,300  
 9 2 j. Merged Area XI ..... \$ ~~21,520,591~~  
 9 3 21,745,905  
 9 4 k. Merged Area XII ..... \$ ~~8,447,771~~  
 9 5 8,535,410  
 9 6 l. Merged Area XIII ..... \$ ~~8,664,978~~  
 9 7 8,754,676  
 9 8 m. Merged Area XIV ..... \$ ~~3,753,491~~  
 9 9 3,791,821  
 9 10 n. Merged Area XV ..... \$ ~~11,804,074~~  
 9 11 11,924,610  
 9 12 o. Merged Area XVI ..... \$ ~~6,621,860~~  
 9 13 6,690,289  
 9 14 Sec. 20. 2005 Iowa Acts, House File 816, section 10,

9 15 subsection 1, paragraph f, if enacted, is amended to read as  
9 16 follows:  
9 17 f. For funds for regents universities' general operating  
9 18 budgets:  
9 19 ..... \$ ~~12,569,288~~  
9 20 14,969,288  
9 21 Sec. 21. 2005 Iowa Acts, House File 816, section 10,  
9 22 subsection 1, paragraph f, subparagraph (6), if enacted, is  
9 23 amended to read as follows:  
9 24 (6) From the moneys allocated to the Iowa state university  
9 25 of science and technology pursuant to this lettered paragraph,  
9 26 an amount equal to ~~\$50,000~~ \$1,000,000 shall be distributed to  
9 27 the college of veterinary medicine to reduce the operating  
9 28 fees charged by the veterinary diagnostic laboratory. If Iowa  
9 29 state university of science and technology fails to distribute  
9 30 funds to the college of veterinary science in accordance with  
9 31 this paragraph, the moneys shall revert to the general fund of  
9 32 the state.  
9 33 Sec. 22. 2005 Iowa Acts, House File 825, section 9,  
9 34 unnumbered paragraph 2, if enacted, is amended to read as  
9 35 follows:  
10 1 For medical assistance reimbursement and associated costs  
10 2 as specifically provided in the reimbursement methodologies in  
10 3 effect on June 30, 2005, except as otherwise expressly  
10 4 authorized by law, including reimbursement for abortion  
10 5 services, which shall be available under the medical  
10 6 assistance program only for those abortions which are  
10 7 medically necessary:  
10 8 ..... \$ ~~524,800,000~~  
10 9 518,300,000  
10 10 Sec. 23. 2005 Iowa Acts, House File 825, section 14,  
10 11 unnumbered paragraph 2, if enacted, is amended to read as  
10 12 follows:  
10 13 For child care programs:  
10 14 ..... \$ ~~8,350,752~~  
10 15 17,350,752  
10 16 Sec. 24. 2005 Iowa Acts, House File 825, section 14,  
10 17 subsection 1, paragraph a, if enacted, is amended to read as  
10 18 follows:  
10 19 a. Of the funds appropriated in this section, ~~\$7,325,228~~  
10 20 \$16,325,228 shall be used for state child care assistance in  
10 21 accordance with section 237A.13.  
10 22 Sec. 25. 2005 Iowa Acts, House File 825, section 29,  
10 23 subsection 1, paragraph a, subparagraph (3), if enacted, is  
10 24 amended to read as follows:  
10 25 (3) For recalculation of the per diem cost and the  
10 26 patient=day=weighted medians used in rate setting for nursing  
10 27 facilities effective July 1, 2005, the inflation factor  
10 28 applied from the midpoint of the cost report period to the  
10 29 first day of the state fiscal year rate period shall not be  
10 30 less than zero percent.  
10 31 Sec. 26. 2005 Iowa Acts, House File 825, section 29,  
10 32 subsection 11, if enacted, is amended to read as follows:  
10 33 11. For the fiscal year beginning July 1, 2005, for child  
10 34 care providers reimbursed under the state child care  
10 35 assistance program, the department shall set provider  
11 1 reimbursement rates based on the rate reimbursement survey  
11 2 completed in December ~~1998~~ 2002. The department shall set  
11 3 rates in a manner so as to provide incentives for a  
11 4 nonregistered provider to become registered. If the federal  
11 5 government provides additional funding for child care during  
11 6 the fiscal year beginning July 1, 2005, the additional funding  
11 7 shall be used to develop and implement an electronic billing  
11 8 and payment system for child care providers.  
11 9 Sec. 27. 2005 Iowa Acts, House File 825, section 40,  
11 10 subsection 1, if enacted, is amended to read as follows:  
11 11 1. To supplement the medical assistance appropriation,  
11 12 including program administration and costs associated with  
11 13 implementation, salaries, support, maintenance, and  
11 14 miscellaneous purposes:  
11 15 ..... \$ ~~50,200,000~~  
11 16 59,647,109  
11 17 Sec. 28. 2001 Iowa Acts, chapter 174, section 1,  
11 18 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,  
11 19 section 8, 2003 Iowa Acts, chapter 179, section 38, and 2004  
11 20 Iowa Acts, chapter 1175, section 270, is amended to read as  
11 21 follows:  
11 22 2. There is appropriated from the general fund of the  
11 23 state to the endowment for Iowa's health account of the  
11 24 tobacco settlement trust fund created in section 12E.12, for  
11 25 the designated fiscal years, the following amounts, to be used



11 26 for the purposes specified in section 12E.12 for the endowment  
11 27 for Iowa's health account:  
11 28 FY 2001=2002 ..... \$ 7,248,000  
11 29 FY 2003=2004 ..... \$ 0  
11 30 FY 2004=2005 ..... \$ 0  
11 31 FY 2005=2006 ..... \$ ~~29,562,000~~  
11 32 0  
11 33 FY 2006=2007 ..... \$ 17,773,000  
11 34 Sec. 29. Section 8.55, subsection 2, paragraphs b and d,  
11 35 Code 2005, are amended by striking the paragraphs.  
12 1 Sec. 30. Section 8.55, subsection 2, paragraph c, Code  
12 2 2005, is amended to read as follows:  
12 3 c. Notwithstanding paragraph "a", any moneys in excess of  
12 4 the maximum balance in the economic emergency fund after the  
12 5 distribution of the surplus in the general fund of the state  
12 6 at the conclusion of each fiscal year ~~and after the~~  
~~12 7 appropriate amount has been transferred pursuant to paragraph~~  
~~12 8 "b",~~ shall not be transferred to the general fund of the state  
12 9 but shall be transferred to the senior living trust fund. The  
12 10 total amount transferred, in the aggregate, under this  
12 11 paragraph for all fiscal years shall not exceed one hundred  
12 12 eighteen million dollars.  
12 13 Sec. 31. Section 256D.5, subsection 4, Code 2005, is  
12 14 amended to read as follows:  
12 15 4. For each fiscal year of the fiscal year period  
12 16 beginning July 1, 2004, and ending June 30, ~~2005 2006~~, the sum  
12 17 of twenty-nine million two hundred fifty thousand dollars.  
12 18 Sec. 32. Section 284.13, subsection 1, paragraph dd, as  
12 19 enacted by 2005 Iowa Acts, House File 816, section 23, if  
12 20 enacted, is amended to read as follows:  
12 21 dd. For the fiscal year beginning July 1, 2005, and ending  
12 22 June 30, 2006, up to ~~eight seventeen~~ million ~~nine eight~~  
12 23 hundred thousand dollars to the department of education for  
12 24 use by school districts to add ~~one two~~ additional teacher  
12 25 contract ~~day days~~ to the school calendar. Prior to receiving  
12 26 funds under this paragraph, a school district shall submit for  
12 27 approval to the department the school district's professional  
12 28 development plan for use of the moneys. From the moneys  
12 29 allocated to the department pursuant to this paragraph, not  
12 30 less than seventy-five thousand dollars shall be used to  
12 31 administer the ambassador to education position in accordance  
12 32 with section 256.45 and the reporting and plan requirements of  
12 33 this subsection shall not apply to this allocation. The  
12 34 department shall submit a report on school district use of the  
12 35 moneys distributed pursuant to this paragraph to the  
13 1 chairpersons and ranking members of the house and senate  
13 2 standing committees on education, the joint appropriations  
13 3 subcommittee on education, and the legislative services agency  
13 4 not later than January 15, 2006.  
13 5 Sec. 33. Section 490A.131, subsection 5, if enacted by  
13 6 2005 Iowa Acts, House File 859, section 109, is amended to  
13 7 read as follows:  
13 8 5. The first biennial report shall be delivered to the  
13 9 secretary of state between January 1 and April 1 of the first  
13 10 ~~odd-numbered even-numbered~~ year following the calendar year in  
13 11 which a limited liability company was formed or a foreign  
13 12 limited liability company was authorized to transact business.  
13 13 Subsequent biennial reports must be delivered to the secretary  
13 14 of state between January 1 and April 1 of the following ~~odd-~~  
~~13 15 numbered even-numbered~~ calendar years. A filing fee for the  
13 16 biennial report shall be determined by the secretary of state  
13 17 ~~and deposited into the general fund of the state.~~ For  
13 18 purposes of this section, each biennial report shall contain  
13 19 information related to the two-year period immediately  
13 20 preceding the calendar year in which the report is filed.  
13 21 Sec. 34. Section 292.4, Code 2005, is repealed.  
13 22 Sec. 35. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.  
13 23 1. The section of this division of this Act repealing  
13 24 section 292.4, being deemed of immediate importance, takes  
13 25 effect upon enactment and applies retroactively to July 1,  
13 26 2004.  
13 27 2. The section of this division of this Act amending House  
13 28 File 810 to increase the funding and FTEs for the banking  
13 29 division is contingent upon the enactment of House File 737.  
13 30 3. The section of this division of this Act amending House  
13 31 File 810 to increase the funding and FTEs for the professional  
13 32 licensing and regulation division is contingent upon the  
13 33 enactment of Senate File 405.  
13 34 DIVISION IV  
13 35 MISCELLANEOUS STATUTORY CHANGES  
14 1 Sec. 36. Section 12B.10, Code 2005, is amended by adding

14 2 the following new subsections:

14 3 NEW SUBSECTION. 7. Notwithstanding sections 12C.2, 12C.4,  
14 4 12C.6, 12C.6A, and any other provision of law relating to the  
14 5 deposits of public funds, if public funds are deposited in a  
14 6 depository, as defined in section 12C.1, then, in addition to  
14 7 investments authorized in subsections 4 and 5, any uninsured  
14 8 portion of the public funds invested through the depository  
14 9 may be invested in certificates of deposit arranged by the  
14 10 depository that are issued by one or more federally insured  
14 11 banks or savings associations regardless of location for the  
14 12 account of the public funds depositor if all of the following  
14 13 requirements are satisfied:

14 14 a. The full amount of the principal and any accrued  
14 15 interest of each certificate of deposit issued shall be  
14 16 covered by federal deposit insurance.

14 17 b. The depository, either directly or through an agent or  
14 18 subcustodian, shall act as custodian of the certificates of  
14 19 deposit.

14 20 c. The day the certificates of deposit are issued, the  
14 21 depository shall have received deposits in an amount eligible  
14 22 for federal deposit insurance from, and issued certificates of  
14 23 deposit to, customers of other financial institutions wherever  
14 24 located that are equal to or greater than the amount of public  
14 25 funds invested under this subsection by the public funds  
14 26 depositor through the depository.

14 27 NEW SUBSECTION. 8. As used in this section, "public  
14 28 funds" means the same as defined in section 12C.1, subsection  
14 29 2.

14 30 Sec. 37. Section 12C.22, subsection 2, unnumbered  
14 31 paragraph 1, Code 2005, is amended to read as follows:

14 32 The amount of the collateral required to be pledged by a  
14 33 bank shall at all times equal or exceed the total of the  
14 34 amount by which the public funds deposits in the bank exceeds  
14 35 the total capital of the bank. For purposes of this section,  
15 1 deposits that comply with section 12B.10, subsection 7, that  
15 2 are evidenced either by one or more certificates of deposit,  
15 3 or one or more orders for the next business day settlement and  
15 4 issuance of certificates of deposit, by a federally insured  
15 5 bank or savings association other than the depository, shall  
15 6 not be deemed public fund deposits in the bank or savings  
15 7 association. For purposes of this chapter, unless the context  
15 8 otherwise requires, "total capital of the bank" means its tier  
15 9 one capital plus both of the following components of tier two  
15 10 capital:

15 11 Sec. 38. Section 12C.23A, subsection 3, paragraph d, Code  
15 12 2005, is amended by adding the following new unnumbered  
15 13 paragraph:

15 14 NEW UNNUMBERED PARAGRAPH. For purposes of this section,  
15 15 when calculating uninsured public funds, a bank shall include  
15 16 all deposits of customers of other financial institutions as  
15 17 permitted by section 12B.10, subsection 7.

15 18 Sec. 39. Section 15E.193B, subsection 5, Code 2005, is  
15 19 amended by adding the following new paragraph:

15 20 NEW PARAGRAPH. f. If the eligible housing business is a  
15 21 partnership, S corporation, or limited liability company using  
15 22 low-income housing tax credits authorized under section 42 of  
15 23 the Internal Revenue Code to assist in the financing of the  
15 24 housing development, the name of any partner if the business  
15 25 is a partnership, a shareholder if the business is an S  
15 26 corporation, or a member if the business is a limited  
15 27 liability company and the amount designated as allowed under  
15 28 subsection 8.

15 29 Sec. 40. Section 15E.193B, subsection 6, paragraph a, Code  
15 30 2005, is amended to read as follows:

15 31 a. An eligible housing business may claim a tax credit up  
15 32 to a maximum of ten percent of the new investment which is  
15 33 directly related to the building or rehabilitating of a  
15 34 minimum of four single-family homes located in that part of a  
15 35 city or county in which there is a designated enterprise zone  
16 1 or one multiple dwelling unit building containing three or  
16 2 more individual dwelling units located in that part of a city  
16 3 or county in which there is a designated enterprise zone. The  
16 4 new investment that may be used to compute the tax credit  
16 5 shall not exceed the new investment used for the first one  
16 6 hundred forty thousand dollars of value for each single-family  
16 7 home or for each unit of a multiple dwelling unit building  
16 8 containing three or more units. The tax credit may be used to  
16 9 reduce the tax liability imposed under chapter 422, division  
16 10 II, III, or V, or chapter 432. Any credit in excess of the  
16 11 tax liability for the tax year may be credited to the tax  
16 12 liability for the following seven years or until depleted,

16 13 whichever occurs earlier. If the business is a partnership, S  
16 14 corporation, limited liability company, or estate or trust  
16 15 electing to have the income taxed directly to the individual,  
16 16 an individual may claim the tax credit allowed. The amount  
16 17 claimed by the individual shall be based upon the pro rata  
16 18 share of the individual's earnings of the partnership, S  
16 19 corporation, limited liability company, or estate or trust  
16 20 except as allowed for under subsection 8 when low-income  
16 21 housing tax credits authorized under section 42 of the  
16 22 Internal Revenue Code are used to assist in the financing of  
16 23 the housing development.

16 24 Sec. 41. Section 15E.193B, subsection 8, unnumbered  
16 25 paragraph 1, Code 2005, is amended to read as follows:  
16 26 The amount of the tax credits determined pursuant to  
16 27 subsection 6, paragraph "a", for each project shall be  
16 28 approved by the department of economic development. The  
16 29 department shall utilize the financial information required to  
16 30 be provided under subsection 5, paragraph "e", to determine  
16 31 the tax credits allowed for each project. In determining the  
16 32 amount of tax credits to be allowed for a project, the  
16 33 department shall not include the portion of the project cost  
16 34 financed through federal, state, and local government tax  
16 35 credits, grants, and forgivable loans. Upon approving the  
17 1 amount of the tax credit, the department of economic  
17 2 development shall issue a tax credit certificate to the  
17 3 eligible housing business except when low-income housing tax  
17 4 credits authorized under section 42 of the Internal Revenue  
17 5 Code are used to assist in the financing of the housing  
17 6 development in which case the tax credit certificate may be  
17 7 issued to a partner if the business is a partnership, a  
17 8 shareholder if the business is an S corporation, or a member  
17 9 if the business is a limited liability company in the amounts  
17 10 designated by the eligible partnership, S corporation, or  
17 11 limited liability company. An eligible housing business or  
17 12 the designated partner if the business is a partnership,  
17 13 designated shareholder if the business is an S corporation, or  
17 14 designated member if the business is a limited liability  
17 15 company, or transferee shall not claim the tax credit unless a  
17 16 tax credit certificate issued by the department of economic  
17 17 development is attached to the taxpayer's return for the tax  
17 18 year for which the tax credit is claimed. The tax credit  
17 19 certificate shall contain the taxpayer's name, address, tax  
17 20 identification number, the amount of the tax credit, and other  
17 21 information required by the department of revenue. The tax  
17 22 credit certificate shall be transferable if low-income housing  
17 23 tax credits authorized under section 42 of the Internal  
17 24 Revenue Code are used to assist in the financing of the  
17 25 housing development. Tax credit certificates issued under  
17 26 this chapter may be transferred to any person or entity.  
17 27 Within ninety days of transfer, the transferee must submit the  
17 28 transferred tax credit certificate to the department of  
17 29 economic development along with a statement containing the  
17 30 transferee's name, tax identification number, and address, and  
17 31 the denomination that each replacement tax credit certificate  
17 32 is to carry and any other information required by the  
17 33 department of revenue. Within thirty days of receiving the  
17 34 transferred tax credit certificate and the transferee's  
17 35 statement, the department of economic development shall issue  
18 1 one or more replacement tax credit certificates to the  
18 2 transferee. Each replacement certificate must contain the  
18 3 information required to receive the original certificate and  
18 4 must have the same expiration date that appeared in the  
18 5 transferred tax credit certificate. Tax credit certificate  
18 6 amounts of less than the minimum amount established by rule of  
18 7 the department of economic development shall not be  
18 8 transferable. A tax credit shall not be claimed by a  
18 9 transferee under subsection 6, paragraph "a", until a  
18 10 replacement tax credit certificate identifying the transferee  
18 11 as the proper holder has been issued.

18 12 Sec. 42. Section 124.212, subsection 4, paragraph c, as  
18 13 enacted by 2005 Iowa Acts, Senate File 169, section 1, is  
18 14 amended to read as follows:

18 15 c. Pseudoephedrine. A person shall present a government=  
18 16 issued photo identification card when purchasing a  
18 17 pseudoephedrine product from a pharmacy. A person shall not  
18 18 purchase more than seven thousand five hundred milligrams of  
18 19 pseudoephedrine, either separately or collectively, within a  
18 20 thirty-day period from a pharmacy, unless the person has a  
18 21 prescription for a pseudoephedrine product in excess of that  
18 22 quantity.

18 23 Sec. 43. Section 142A.4, Code 2005, is amended by adding



18 24 the following new subsection:

18 25 NEW SUBSECTION. 23. Approve the content of any materials  
18 26 distributed by the youth program pursuant to section 142A.9,  
18 27 prior to distribution of the materials.

18 28 Sec. 44. Section 257.14, subsection 3, unnumbered  
18 29 paragraph 2, Code 2005, is amended by striking the unnumbered  
18 30 paragraph.

18 31 Sec. 45. Section 422.11D, subsection 2, Code 2005, is  
18 32 amended to read as follows:

18 33 2. An individual may claim a property rehabilitation tax  
18 34 credit allowed a partnership, limited liability company, S  
18 35 corporation, estate, or trust electing to have the income  
19 1 taxed directly to the individual. The amount claimed by the  
19 2 individual shall be based upon the pro rata share of the  
19 3 individual's earnings of a partnership, limited liability  
19 4 company, S corporation, estate, or trust except when low=  
19 5 income housing tax credits authorized under section 42 of the  
19 6 Internal Revenue Code are used to assist in the financing of  
19 7 the housing development in which case the amount claimed by a  
19 8 partner if the business is a partnership, a shareholder if the  
19 9 business is an S corporation, or a member if the business is a  
19 10 limited liability company shall be based on the amounts  
19 11 designated by the eligible partnership, S corporation, or  
19 12 limited liability company.

19 13 Sec. 46. Section 423.3, Code 2005, is amended by adding  
19 14 the following new subsection:

19 15 NEW SUBSECTION. 29A. The sales price of all goods, wares,  
19 16 or merchandise sold, or of services furnished, which are used  
19 17 in the fulfillment of a written construction contract with a  
19 18 residential treatment facility for youth with emotional or  
19 19 behavioral disorders licensed pursuant to chapter 237 or 135H  
19 20 if all of the following apply:

19 21 a. The sales and delivery of the goods, wares, or  
19 22 merchandise, or the services furnished occurred between July  
19 23 1, 2004, and December 31, 2006.

19 24 b. The written construction contract was entered into  
19 25 after December 31, 2003.

19 26 c. The sales or services were purchased by a contractor as  
19 27 the agent for the facility or were purchased directly by the  
19 28 facility.

19 29 Sec. 47. Section 423E.5, unnumbered paragraph 1, Code  
19 30 2005, is amended to read as follows:

19 31 The board of directors of a school district shall be  
19 32 authorized to issue negotiable, interest-bearing school bonds,  
19 33 without election, and utilize tax receipts derived from the  
19 34 sales and services tax for school infrastructure purposes and  
19 35 the supplemental school infrastructure amount distributed  
20 1 pursuant to section 423E.4, subsection 2, paragraph "b", for  
20 2 principal and interest repayment. Proceeds of the bonds  
20 3 issued pursuant to this section shall be utilized solely for  
20 4 school infrastructure needs as school infrastructure is  
20 5 defined in section 423E.1, subsection 3. Bonds issued under  
20 6 this section may be sold at public ~~or private~~ sale as provided  
20 7 in chapter 75, or at private sale, without notice and hearing  
20 8 as provided in section 73A.12. Bonds may bear dates, bear  
20 9 interest at rates not exceeding that permitted by chapter 74A,  
20 10 mature in one or more installments, be in registered form,  
20 11 carry registration and conversion privileges, be payable as to  
20 12 principal and interest at times and places, be subject to  
20 13 terms of redemption prior to maturity with or without premium,  
20 14 and be in one or more denominations, all as provided by the  
20 15 resolution of the board of directors authorizing their  
20 16 issuance. The resolution may also prescribe additional  
20 17 provisions, terms, conditions, and covenants which the board  
20 18 of directors deems advisable, including provisions for  
20 19 creating and maintaining reserve funds, the issuance of  
20 20 additional bonds ranking on a parity with such bonds and  
20 21 additional bonds junior and subordinate to such bonds, and  
20 22 that such bonds shall rank on a parity with or be junior and  
20 23 subordinate to any bonds which may be then outstanding. Bonds  
20 24 may be issued to refund outstanding and previously issued  
20 25 bonds under this section. Local option sales and services tax  
20 26 revenue bonds are a contract between the school district and  
20 27 holders, and the resolution issuing the bonds and pledging  
20 28 local option sales and services tax revenues to the payment of  
20 29 principal and interest on the bonds is a part of the contract.  
20 30 Bonds issued pursuant to this section shall not constitute  
20 31 indebtedness within the meaning of any constitutional or  
20 32 statutory debt limitation or restriction, and shall not be  
20 33 subject to any other law relating to the authorization,  
20 34 issuance, or sale of bonds.

20 35 Sec. 48. Section 427.1, Code 2005, is amended by adding  
21 1 the following new subsection:  
21 2 NEW SUBSECTION. 21A. Dwelling unit property owned and  
21 3 managed by a nonprofit organization if the nonprofit  
21 4 organization owns and manages more than forty dwelling units  
21 5 that are located in a city with a population of more than one  
21 6 hundred ten thousand which has a public housing authority that  
21 7 does not own or manage housing stock for the purpose of low=  
21 8 rent housing.

21 9 Sec. 49. Section 456A.37, subsection 1, paragraph c, Code  
21 10 2005, is amended to read as follows:

21 11 c. "Aquatic invasive species" means a species that is not  
21 12 native to an ecosystem and whose introduction causes or is  
21 13 likely to cause economic or environmental harm or harm to  
21 14 human health including but not limited to habitat alteration  
21 15 and degradation, and loss of biodiversity. For the purposes  
21 16 of this section, "aquatic invasive species" are limited to  
21 17 Eurasian water milfoil, purple loosestrife, ~~and~~ zebra mussels,  
21 18 ~~except as provided in subsection 4 and those species~~  
21 19 ~~identified as "aquatic invasive species" by the commission by~~  
21 20 ~~rule.~~

21 21 Sec. 50. Section 456A.37, subsection 4, unnumbered  
21 22 paragraph 2, Code 2005, is amended to read as follows:

21 23 c. If the commission determines that an additional species  
21 24 should be defined as an "aquatic invasive species", the  
21 25 species ~~may shall~~ be defined by the commission by rule as an  
21 26 "aquatic invasive species" ~~subject to enactment of the~~  
21 27 ~~definition by the general assembly at the next regular session~~  
21 28 ~~of the general assembly. Failure of the general assembly to~~  
21 29 ~~enact the definition pursuant to this paragraph constitutes a~~  
21 30 ~~nullification of the definition effective upon adjournment of~~  
21 31 ~~that next regular session of the general assembly.~~

21 32 Sec. 51. Section 543B.34, subsection 9, paragraph a,  
21 33 unnumbered paragraph 1, Code 2005, is amended to read as  
21 34 follows:

21 35 Paying a commission or other valuable consideration or any  
22 1 part of such commission or consideration for performing any of  
22 2 the acts specified in this chapter to a person who is not a  
22 3 licensed broker or salesperson under this chapter or who is  
22 4 not engaged in the real estate business in another state or  
22 5 foreign country, ~~or paying a commission or other valuable~~  
22 6 ~~consideration for performing any of the acts specified in this~~  
22 7 ~~chapter to a licensee knowing that the licensee will pay a~~  
22 8 ~~portion of or all of such commission or consideration to a~~  
22 9 ~~person or party who is not licensed pursuant to this chapter,~~  
22 10 provided that the provisions of this section shall not be  
22 11 construed to prohibit the payment of earned commissions or  
22 12 consideration to any of the following:

22 13 Sec. 52. Section 543B.60A, Code 2005, is amended by  
22 14 striking the section and inserting in lieu thereof the  
22 15 following:

22 16 543B.60A PROHIBITED PRACTICES.

22 17 1. A licensee shall not request a referral fee after a  
22 18 bona fide offer to purchase is accepted.

22 19 2. A licensee shall not request a referral fee after a  
22 20 bona fide listing agreement has been signed.

22 21 3. A licensee shall not offer, promote, perform, provide,  
22 22 or otherwise participate in any marketing plan that requires a  
22 23 consumer to receive brokerage services, including referral  
22 24 services, from two or more licensees in a single real estate  
22 25 transaction, as a required condition for the consumer to  
22 26 receive either of the following:

22 27 a. Brokerage services from one or more of such licensees.

22 28 b. A rebate, prize, or other inducement from one or more  
22 29 such licensees.

22 30 4. For purposes of this section, "consumer" shall include  
22 31 parties or prospective parties to a real estate transaction,  
22 32 clients or prospective clients of a licensee, or customers or  
22 33 prospective customers of a licensee.

22 34 5. This section does not address relationships between a  
22 35 broker and the broker associates or salespersons licensed  
23 1 under, employed by, or otherwise associated with the broker in  
23 2 a real estate brokerage agency.

23 3 6. A violation of this section is deemed a violation of  
23 4 section 543B.29, subsection 3.

23 5 7. The purpose of this section is to prohibit licensee  
23 6 practices that interfere with contractual arrangements, place  
23 7 improper restrictions on consumer choice, compromise a  
23 8 licensee's fiduciary obligations, and create conflicts of  
23 9 interest.

23 10 Sec. 53. Section 579A.2, subsection 3, paragraph b, Code

23 11 2005, is amended to read as follows:

23 12 b. The lien terminates one year after the cattle have left  
23 13 the custom cattle feedlot. ~~Section 554.9515 shall not apply~~  
~~23 14 to a financing statement perfecting the lien.~~ The lien may be  
23 15 terminated by the custom cattle feedlot operator who files a  
23 16 termination statement as provided in chapter 554, article 9.

23 17 Sec. 54. Section 579B.4, subsection 1, paragraph b, Code  
23 18 2005, is amended to read as follows:

23 19 b. For a lien arising out of producing a crop, the lien  
23 20 becomes effective the day that the crop is first planted. In  
23 21 order to perfect the lien, the contract producer must file a  
23 22 financing statement in the office of the secretary of state as  
23 23 provided in section 554.9308. The contract producer must file  
23 24 a financing statement for the crop within forty-five days  
23 25 after the crop is first planted. The lien terminates one year  
23 26 after the crop is no longer under the authority of the  
23 27 contract producer. For purposes of this section, a crop is no  
23 28 longer under the authority of the contract producer when the  
23 29 crop or a warehouse receipt issued by a warehouse operator  
23 30 licensed under chapter 203C for grain from the crop is no  
23 31 longer under the custody or control of the contract producer.

~~23 32 Section 554.9515 shall not apply to a financing statement~~  
~~23 33 perfecting the lien.~~ The lien may be terminated by the  
23 34 contract producer who files a termination statement as  
23 35 provided in chapter 554, article 9.

24 1 Sec. 55. EFFECTIVE DATE. The section of this division of  
24 2 this Act enacting section 423.3, subsection 29A, being deemed  
24 3 of immediate importance, takes effect upon enactment.

24 4 Sec. 56. 2005 Iowa Acts, House File 739, if enacted, is  
24 5 amended by adding the following new section:

24 6 NEW SECTION. Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of  
24 7 this Act amending section 262.9 to establish a research  
24 8 triangle and clearinghouse takes effect July 1, 2006.

24 9 Sec. 57. BUDGET GUARANTEE RESOLUTION == RESOLUTION  
24 10 ADOPTION EXTENSION. Notwithstanding the provisions of section  
24 11 257.14, subsection 3, unnumbered paragraph 3, a school  
24 12 district that wishes to receive a budget adjustment pursuant  
24 13 to that subsection for the school budget year beginning July  
24 14 1, 2005, shall have until June 1, 2005, to adopt a resolution  
24 15 to receive the budget adjustment and to notify the department  
24 16 of management of the adoption of the resolution and the amount  
24 17 of the budget adjustment to be received.

24 18 Sec. 58. APPLICABILITY PROVISION. The section of this  
24 19 division of this Act enacting new subsection 21A to section  
24 20 427.1 shall not be considered a property tax exemption within  
24 21 the meaning of or for the purposes of section 25B.7.

24 22 Sec. 59. EFFECTIVE DATE. The section of this division of  
24 23 this Act providing an extension of time for adoption of a  
24 24 budget adjustment resolution pursuant to section 257.14,  
24 25 subsection 3, for a budget adjustment for the school budget  
24 26 year beginning July 1, 2005, being deemed of immediate  
24 27 importance, takes effect upon enactment.

#### 24 28 DIVISION V

#### 24 29 JUSTICE SYSTEM AND JUDICIAL BRANCH

24 30 Sec. 60. STUDY OF COURT RULE RELATED TO TRIBAL COURTS.

24 31 The general assembly acknowledges that contact and interaction  
24 32 between the Iowa court system and federally recognized tribal  
24 33 courts are ever increasing and the general assembly urges the  
24 34 Iowa supreme court to study this interaction and consider  
24 35 developing and prescribing rules that relate to the tribal  
25 1 court system, tribal court orders, judgments, and decrees.

25 2 Sec. 61. NEW SECTION. 80.43 VEHICLE DEPRECIATION ACCOUNT  
25 3 == IOWA STATE PATROL.

25 4 1. There is appropriated from the general fund of the  
25 5 state to the department of public safety for the indicated  
25 6 fiscal years, the following amounts, or so much thereof as is  
25 7 necessary, to be credited to the department's account under  
25 8 section 8A.365 for vehicles utilized by the Iowa state patrol  
25 9 and to be used as directed by the department of public safety  
25 10 for the purchase of state patrol vehicles:

25 11 a. For the fiscal year beginning July 1, 2005, and ending  
25 12 June 30, 2006, five hundred ninety-six thousand dollars.

25 13 b. For the fiscal year beginning July 1, 2006, and ending  
25 14 June 30, 2007, seven hundred nine thousand dollars.

25 15 c. For the fiscal year beginning July 1, 2007, and ending  
25 16 June 30, 2008, eight hundred forty-one thousand dollars.

25 17 d. For the fiscal year beginning July 1, 2008, and ending  
25 18 June 30, 2009, eight hundred forty-one thousand dollars.

25 19 2. Notwithstanding section 12C.7, subsection 2, interest  
25 20 or earnings on moneys credited to the account pursuant to this  
25 21 section shall be credited to the account. Notwithstanding

25 22 sections 8.33 and 8A.365, moneys appropriated in this section  
25 23 that remain unencumbered or unobligated at the close of the  
25 24 fiscal year shall not revert but shall remain available for  
25 25 expenditure for the purposes designated.

25 26 Sec. 62. Section 602.6401, subsection 1, Code 2005, is  
25 27 amended to read as follows:

25 28 1. ~~One Two hundred ninety-one~~ six magistrates shall be  
25 29 apportioned among the counties as provided in this section.  
25 30 Magistrates appointed pursuant to section 602.6402 shall not  
25 31 be counted for purposes of this section.

25 32 Sec. 63. NEW SECTION. 602.8102A NOTICES RETURNED FOR  
25 33 UNKNOWN ADDRESS == RESENDING.

25 34 Notwithstanding any other provision of the Code to the  
25 35 contrary, and subject to rules prescribed by the supreme  
26 1 court, if the clerk of the district court sends a mailing or  
26 2 notice to a person or party and the mailing or notice is  
26 3 returned by the postal service to the clerk of the district  
26 4 court as undeliverable, the clerk is not required to send a  
26 5 repeat or subsequent mailing or notice unless the clerk  
26 6 receives an updated mailing address.

26 7 Sec. 64. Section 602.8105, subsection 2, Code 2005, is  
26 8 amended to read as follows:

26 9 2. The clerk of the district court shall collect the  
26 10 following fees for miscellaneous services:

26 11 a. For filing, entering, and endorsing a mechanic's lien,  
26 12 twenty dollars, and if a suit is brought, the fee is taxable  
26 13 as other costs in the action.

26 14 b. For filing and entering an agricultural supply dealer's  
26 15 lien and any other statutory lien, twenty dollars.

26 16 c. For a certificate and seal, ten dollars. However,  
26 17 there shall be no charge for a certificate and seal to an  
26 18 application to procure a pension, bounty, or back pay for a  
26 19 member of the armed services or other person.

26 20 d. For certifying a change in title of real estate, twenty  
26 21 dollars.

26 22 e. For filing a praecipe to issue execution under chapter  
26 23 626, twenty-five dollars.

26 24 f. For filing a praecipe to issue execution under chapter  
26 25 654, fifty dollars.

26 26 g. For filing a confession of judgment under chapter 676,  
26 27 fifty dollars if the judgment is five thousand dollars or  
26 28 less, and one hundred dollars if the judgment exceeds five  
26 29 thousand dollars.

26 30 ~~e.~~ h. Other fees provided by law.

26 31 Sec. 65. Section 901.4, Code 2005, is amended to read as  
26 32 follows:

26 33 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==  
26 34 DISTRIBUTION.

26 35 The presentence investigation report is confidential and  
27 1 the court shall provide safeguards to ensure its  
27 2 confidentiality, including but not limited to sealing the  
27 3 report, which may be opened only by further court order. At  
27 4 least three days prior to the date set for sentencing, the  
27 5 court shall ~~serve~~ send a copy of all of the presentence  
27 6 investigation report ~~upon~~ by ordinary or electronic mail, to  
27 7 the defendant's attorney and the attorney for the state, and  
27 8 the report shall remain confidential except upon court order.  
27 9 However, the court may conceal the identity of the person who  
27 10 provided confidential information. The report of a medical  
27 11 examination or psychological or psychiatric evaluation shall  
27 12 be made available to the attorney for the state and to the  
27 13 defendant upon request. The reports are part of the record  
27 14 but shall be sealed and opened only on order of the court. If  
27 15 the defendant is committed to the custody of the Iowa  
27 16 department of corrections and is not a class "A" felon, a copy  
27 17 of the presentence investigation report shall be forwarded by  
27 18 ordinary or electronic mail to the director with the order of  
27 19 commitment by the clerk of the district court and to the board  
27 20 of parole at the time of commitment. Pursuant to section  
27 21 904.602, the presentence investigation report may also be  
27 22 released by ordinary or electronic mail by the department of  
27 23 corrections or a judicial district department of correctional  
27 24 services to another jurisdiction for the purpose of providing  
27 25 interstate probation and parole compact or interstate compact  
27 26 for adult offender supervision services or evaluations, or to  
27 27 a substance abuse or mental health services provider when  
27 28 referring a defendant for services. The defendant or the  
27 29 defendant's attorney may file with the presentence  
27 30 investigation report, a denial or refutation of the  
27 31 allegations, or both, contained in the report. The denial or  
27 32 refutation shall be included in the report. If the person is



27 33 sentenced for an offense which requires registration under  
27 34 chapter 692A, the court shall release the report by ordinary  
27 35 or electronic mail to the department.  
28 1 Sec. 66. 2005 Iowa Acts, House File 807, section 1,  
28 2 subsection 1, unnumbered paragraph 2, if enacted, is amended  
28 3 to read as follows:  
28 4 For salaries of supreme court justices, appellate court  
28 5 judges, district court judges, district associate judges,  
28 6 judicial magistrates and staff, state court administrator,  
28 7 clerk of the supreme court, district court administrators,  
28 8 clerks of the district court, juvenile court officers, board  
28 9 of law examiners and board of examiners of shorthand reporters  
28 10 and judicial qualifications commission, receipt and  
28 11 disbursement of child support payments, reimbursement of the  
28 12 auditor of state for expenses incurred in completing audits of  
28 13 the offices of the clerks of the district court during the  
28 14 fiscal year beginning July 1, 2005, and maintenance,  
28 15 equipment, and miscellaneous purposes:  
28 16 ..... \$~~118,084,282~~  
28 17 ..... 118,404,282  
28 18 Sec. 67. 2005 Iowa Acts, House File 811, section 1,  
28 19 subsection 1, paragraph c, if enacted, is amended to read as  
28 20 follows:  
28 21 c. For legal services for persons in poverty grants as  
28 22 provided in section 13.34:  
28 23 ..... \$  $\emptyset$   
28 24 ..... 750,000  
28 25 Sec. 68. 2005 Iowa Acts, House File 811, section 14,  
28 26 subsection 3, if enacted, is amended to read as follows:  
28 27 3. For the criminalistics laboratory fund, if created in  
28 28 section 602.8108:  
28 29 ..... \$  $\emptyset$   
28 30 ..... 350,000

28 31 DIVISION VI  
28 32 EDUCATION

28 33 Sec. 69. Section 11.6, subsection 1, paragraph a,  
28 34 unnumbered paragraph 1, Code 2005, is amended to read as  
28 35 follows:  
29 1 The financial condition and transactions of all cities and  
29 2 city offices, counties, county hospitals organized under  
29 3 chapters 347 and 347A, memorial hospitals organized under  
29 4 chapter 37, entities organized under chapter 28E having gross  
29 5 receipts in excess of one hundred thousand dollars in a fiscal  
29 6 year, merged areas, area education agencies, and all school  
29 7 offices in school districts, shall be examined at least once  
29 8 each year, except that cities having a population of seven  
29 9 hundred or more but less than two thousand shall be examined  
29 10 at least once every four years, and cities having a population  
29 11 of less than seven hundred may be examined as otherwise  
29 12 provided in this section. The examination shall cover the  
29 13 fiscal year next preceding the year in which the audit is  
29 14 conducted. The examination of school offices shall include an  
29 15 audit of all school funds, the certified annual financial  
29 16 report, ~~and~~ the certified enrollment as provided in section  
29 17 257.6, and the revenues and expenditures of any nonprofit  
29 18 school organization established pursuant to section 279.60.

29 19 Differences in certified enrollment shall be reported to the  
29 20 department of management. The examination of a city that owns  
29 21 or operates a municipal utility providing local exchange  
29 22 services pursuant to chapter 476 shall include an audit of the  
29 23 city's compliance with section 388.10. The examination of a  
29 24 city that owns or operates a municipal utility providing  
29 25 telecommunications services pursuant to section 388.10 shall  
29 26 include an audit of the city's compliance with section 388.10.

29 27 Sec. 70. Section 256.9, Code 2005, is amended by adding  
29 28 the following new subsection:

29 29 NEW SUBSECTION. 53. Prepare and submit to the  
29 30 chairpersons and ranking members of the senate and house  
29 31 education committees a report on the state's progress toward  
29 32 closing the achievement gap, including student achievement for  
29 33 minority subgroups, and a comprehensive summary of state  
29 34 agency and local district activities and practices taken in  
29 35 the past year to close the achievement gap.

30 1 Sec. 71. NEW SECTION. 279.60 NONPROFIT SCHOOL  
30 2 ORGANIZATIONS.

30 3 The board of directors of a school district may take action  
30 4 to adopt a resolution to establish, and authorize expenditures  
30 5 for the operational support of, an entity or organization for  
30 6 the sole benefit of the school district and its students that  
30 7 is exempt from federal income taxation under section 501(c)(3)  
30 8 of the Internal Revenue Code. The entity or organization



30 9 shall reimburse the school district for expenditures made by  
30 10 the school district on behalf of the entity or organization.  
30 11 Prior to establishing such an entity or organization, the  
30 12 board of directors shall hold a public hearing on the proposal  
30 13 to establish such an entity or organization. Such an entity  
30 14 or organization shall maintain its records in accordance with  
30 15 chapter 22, except that the entity or organization shall  
30 16 provide for the anonymity of a donor at the written request of  
30 17 the donor. The board of directors of a school district shall  
30 18 annually report to the department of education and to the  
30 19 local community the administrative expenditures, revenues, and  
30 20 activities of the entity or organization established by the  
30 21 school district pursuant to this section. The department  
30 22 shall include in its annual condition of education report a  
30 23 statewide summary of the expenditures and revenues submitted  
30 24 in accordance with this section.

30 25 Sec. 72. Section 282.18, subsection 2, Code 2005, is  
30 26 amended to read as follows:

30 27 2. By ~~January~~ March 1 of the preceding school year ~~for~~  
30 28 ~~students entering grades one through twelve, or by September 1~~  
30 29 ~~of the current school year for students entering kindergarten,~~  
30 30 the parent or guardian shall send notification to the district  
30 31 of residence and the receiving district, on forms prescribed  
30 32 by the department of education, that the parent or guardian  
30 33 intends to enroll the parent's or guardian's child in a public  
30 34 school in another school district. If a parent or guardian  
30 35 fails to file a notification that the parent intends to enroll  
31 1 the parent's or guardian's child in a public school in another  
31 2 district by the deadline of ~~January 1 of the previous year~~  
31 3 ~~specified in this subsection, and one of the criteria defined~~  
31 4 ~~in procedures of subsection 4 exists for the failure to meet~~  
31 5 ~~the deadline or if the request is to enroll a child in~~  
31 6 ~~kindergarten in a public school in another district, the~~  
31 7 ~~parent or guardian shall be permitted to enroll the child in~~  
31 8 ~~the other district in the same manner as if the deadline had~~  
31 9 ~~been met apply.~~

31 10 The board of the receiving district shall enroll the pupil  
31 11 in a school in the receiving district for the following school  
31 12 year unless the receiving district does not have classroom  
31 13 space for the pupil. The board of directors of a receiving  
31 14 district may adopt a policy granting the superintendent of the  
31 15 school district authority to approve open enrollment  
31 16 applications. If the request is granted, the board shall  
31 17 transmit a copy of the form to the parent or guardian and the  
31 18 school district of residence within five days after board  
31 19 action, but not later than ~~March~~ June 1 of the preceding  
31 20 school year. The parent or guardian may withdraw the request  
31 21 at any time prior to the start of the school year. A denial  
31 22 of a request by the board of a receiving district is not  
31 23 subject to appeal.

31 24 Sec. 73. Section 282.18, subsection 4, paragraphs a and b,  
31 25 Code 2005, are amended to read as follows:

31 26 a. After ~~January~~ March 1 of the preceding school year and  
31 27 until the third Friday in September of that calendar year, the  
31 28 parent or guardian shall send notification to the district of  
31 29 residence and the receiving district, on forms prescribed by  
31 30 the department of education, that good cause, as defined in  
31 31 paragraph "b", exists for failure to meet the ~~January~~ March 1  
31 32 deadline. The board of directors of a receiving school  
31 33 district may adopt a policy granting the superintendent of the  
31 34 school district authority to approve open enrollment  
31 35 applications submitted after the March 1 deadline. The board

32 1 of the receiving district shall take action to approve the  
32 2 request if good cause exists. If the request is granted, the  
32 3 board shall transmit a copy of the form to the parent or  
32 4 guardian and the school district of residence within five days  
32 5 after board action. A denial of a request by the board of a  
32 6 receiving district is not subject to appeal.

32 7 b. For purposes of this section, "good cause" means a  
32 8 change in a child's residence due to a change in family  
32 9 residence, a change in the state in which the family residence  
32 10 is located, a change in a child's parents' marital status, a  
32 11 guardianship or custody proceeding, placement in foster care,  
32 12 adoption, participation in a foreign exchange program, or  
32 13 participation in a substance abuse or mental health treatment  
32 14 program, or a similar set of circumstances consistent with the  
32 15 definition of "good cause"; or a change in the status of a  
32 16 child's resident district such as removal of accreditation by  
32 17 the state board, surrender of accreditation, or permanent  
32 18 closure of a nonpublic school, revocation of a charter school  
32 19 contract as provided in section 256F.8, the failure of

32 20 negotiations for a whole=grade sharing, reorganization,  
32 21 dissolution agreement or the rejection of a current whole=  
32 22 grade sharing agreement, or reorganization plan, or a similar  
32 23 set of circumstances consistent with the definition of "good  
32 24 cause". If the good cause relates to a change in status of a  
32 25 child's school district of residence, however, action by a  
32 26 parent or guardian must be taken to file the notification  
32 27 within forty-five days of the last board action or within  
32 28 thirty days of the certification of the election, whichever is  
32 29 applicable to the circumstances.

32 30 Sec. 74. Section 282.18, subsections 5 and 6, Code 2005,  
32 31 are amended to read as follows:

32 32 5. Open enrollment applications filed after ~~January~~ March  
32 33 1 of the preceding school year that do not qualify for good  
32 34 cause as provided in subsection 4 shall be subject to the  
32 35 approval of the board of the resident district and the board  
33 1 of the receiving district. The parent or guardian shall send  
33 2 notification to the district of residence and the receiving  
33 3 district that the parent or guardian seeks to enroll the  
33 4 parent's or guardian's child in the receiving district. A  
33 5 decision of either board to deny an application filed under  
33 6 this subsection involving repeated acts of harassment of the  
33 7 student or serious health condition of the student that the  
33 8 resident district cannot adequately address is subject to  
33 9 appeal under section 290.1. The state board shall exercise  
33 10 broad discretion to achieve just and equitable results that  
33 11 are in the best interest of the affected child or children.

33 12 6. A request under this section is for a period of not  
33 13 less than one year. If the request is for more than one year  
33 14 and the parent or guardian desires to have the pupil enroll in  
33 15 a different district, the parent or guardian may petition the  
33 16 current receiving district by ~~January~~ March 1 of the previous  
33 17 school year for permission to enroll the pupil in a different  
33 18 district for a period of not less than one year. Upon receipt  
33 19 of such a request, the current receiving district board may  
33 20 act on the request to transfer to the other school district at  
33 21 the next regularly scheduled board meeting after the receipt  
33 22 of the request. The new receiving district shall enroll the  
33 23 pupil in a school in the district unless there is insufficient  
33 24 classroom space in the district or unless enrollment of the  
33 25 pupil would adversely affect the court-ordered or voluntary  
33 26 desegregation plan of the district. A denial of a request to  
33 27 change district enrollment within the approved period is not  
33 28 subject to appeal. However, a pupil who has been in  
33 29 attendance in another district under this section may return  
33 30 to the district of residence and enroll at any time, once the  
33 31 parent or guardian has notified the district of residence and  
33 32 the receiving district in writing of the decision to enroll  
33 33 the pupil in the district of residence.

33 34 Sec. 75. Section 423E.4, subsection 6, unnumbered  
33 35 paragraph 1, Code 2005, is amended to read as follows:

34 1 A school district with a certified enrollment of fewer than  
34 2 two hundred fifty pupils in the entire district or certified  
34 3 enrollment of fewer than one hundred pupils in high school

34 4 shall not expend the supplemental school infrastructure amount  
34 5 received for new construction or for payments for bonds issued  
34 6 for new construction against the supplemental school  
34 7 infrastructure amount without prior application to the  
34 8 department of education and receipt of a certificate of need  
34 9 pursuant to this subsection. However, a certificate of need  
34 10 is not required for the payment of outstanding bonds issued  
34 11 for new construction pursuant to section 296.1, before April  
34 12 1, 2003. A certificate of need is also not required for  
34 13 repairing schoolhouses or buildings, equipment, technology, or  
34 14 transportation equipment for transporting students as provided  
34 15 in section 298.3, or for construction necessary for compliance  
34 16 with the federal Americans With Disabilities Act pursuant to  
34 17 42 U.S.C. } 12101==12117. In determining whether a  
34 18 certificate of need shall be issued or denied, the department  
34 19 shall consider all of the following:

34 20 Sec. 76. RETROACTIVE APPLICABILITY FOR NONPROFIT SCHOOL  
34 21 ORGANIZATIONS. The provisions of section 279.60, as enacted  
34 22 by this division of this Act, authorizing the board of  
34 23 directors of a school district to establish and authorize  
34 24 expenditures for the operational support of an entity or  
34 25 organization for the sole benefit of the school district and  
34 26 its students, apply to entities or organizations established  
34 27 by the board of directors of a school district before, on, or  
34 28 after July 1, 2005.

34 31 Sec. 77. NEW SECTION. 12B.6 CERTAIN PUBLIC FUNDS OF  
34 32 POLITICAL SUBDIVISIONS.

34 33 All funds received, expended, or held by an association of  
34 34 elected county officers before, on, or after the effective  
34 35 date of this Act, to implement a state-authorized program, are  
35 1 subject to audit by the auditor of state at the request of the  
35 2 government oversight committees or the legislative council.  
35 3 All such funds received or held on and after July 1, 2005,  
35 4 shall be deposited in a fund in the office of the treasurer of  
35 5 state.

35 6 Sec. 78. Section 331.605C, subsection 4, Code 2005, is  
35 7 amended to read as follows:

35 8 4. The local government electronic transaction fund is  
35 9 established in the office of the treasurer of state under the  
35 10 control of the treasurer of state. Moneys deposited into the  
35 11 fund are not subject to section 8.33. Notwithstanding section  
35 12 12C.7, interest or earnings on moneys in the local government  
35 13 electronic transaction fund shall be credited to the fund.  
35 14 Moneys in the local government electronic transaction fund are  
35 15 not subject to transfer, appropriation, or reversion to any  
35 16 other fund, or any other use except as provided in this  
35 17 subsection. On a monthly basis, the county treasurer shall  
35 18 pay each fee collected pursuant to subsection 2 to the  
35 19 treasurer of state for deposit into the local government  
35 20 electronic transaction fund. Moneys credited to the local  
35 21 government electronic transaction fund are appropriated to the  
35 22 treasurer of state to be used for the purpose of paying the  
35 23 ongoing costs of integrating and maintaining the statewide  
35 24 internet website developed and implemented under subsection 1.

35 25 Sec. 79. DEPARTMENT OF ADMINISTRATIVE SERVICES REVIEW.

35 26 1. The information technology enterprise in the department  
35 27 of administrative services shall commence a review and  
35 28 assessment of the implementation of the county land record  
35 29 information system created pursuant to section 331.605C and a  
35 30 data security audit. The review and assessment shall include  
35 31 but not be limited to a review of the functional and system  
35 32 requirements, design documentation, software code developed to  
35 33 support the business requirements, operational procedures,  
35 34 financial flows including a financial forecast, requests for  
35 35 proposals, and all contracts. The data security audit shall  
36 1 be completed separately, but in conjunction with the system  
36 2 review and assessment.

36 3 2. The information technology enterprise shall be paid for  
36 4 the costs of the assessment and audit based on the  
36 5 enterprise's published rates. Payments shall be made from  
36 6 funds collected pursuant to section 331.605C, subsection 2,  
36 7 and deposited with the treasurer of state.

36 8 3. The information technology enterprise shall provide at  
36 9 minimum two updates to the government oversight committees  
36 10 regarding the progress of the review and assessment on or  
36 11 before December 1, 2005. The government oversight committees  
36 12 may request additional updates.

36 13 4. The information technology enterprise shall provide a  
36 14 final report regarding the activities completed pursuant to  
36 15 this section, including any recommendations, by no later than  
36 16 December 30, 2005.

36 17 5. The department of administrative services shall  
36 18 facilitate dialogue to integrate the county land record  
36 19 information system created pursuant to section 331.605C with  
36 20 electronic government internet applications of county  
36 21 treasurers, county recorders, county auditors, and county  
36 22 assessors. The department shall file an integration plan with  
36 23 the general assembly on or before November 1, 2005. The plan  
36 24 shall include integration concepts of the county treasurers,  
36 25 county recorders, county auditors, and county assessors.

36 26 Sec. 80. COUNTY LAND RECORD INFORMATION SYSTEM ==  
36 27 ADDITIONAL PROVISIONS.

36 28 1. The board of supervisors of each county, on behalf of  
36 29 each county recorder, shall execute a chapter 28E agreement  
36 30 with the Iowa county recorders association for the  
36 31 implementation of the county land record information system.  
36 32 Such agreement shall require the Iowa county recorders  
36 33 association to execute contracts necessary for implementation  
36 34 of the county land record information system. The department  
36 35 of administrative services shall prescribe a uniform chapter  
37 1 28E agreement to be used by the counties, allowing for  
37 2 variances as to each county. The Iowa county recorders  
37 3 association shall submit to the general assembly on or before  
37 4 November 1, 2005, a long-range business plan for implementing  
37 5 and maintaining the county land record information system,  
37 6 including a plan for integrating the system with electronic

37 7 government and internet applications of other governmental  
37 8 entities.  
37 9 2. The auditor of state shall conduct an audit of the fees  
37 10 collected pursuant to section 331.605C for the purpose of  
37 11 determining the amount of fees collected and the uses for  
37 12 which such fees have been and are being expended. Audit  
37 13 results shall be filed with the general assembly on or before  
37 14 November 1, 2005. The cost of the audit, not to exceed five  
37 15 thousand dollars, shall be paid from the local government  
37 16 electronic transaction fund in the office of the treasurer of  
37 17 state.

37 18 3. County recorders shall collect only statutorily  
37 19 authorized fees for land records management. County recorders  
37 20 shall not collect fees for viewing, accessing, or printing  
37 21 electronic land management documents until authorized by the  
37 22 general assembly.

37 23 4. The Iowa state association of counties shall provide  
37 24 information to the government oversight committees and the  
37 25 department of administrative services on or before July 1,  
37 26 2005, defining all types of land management records,  
37 27 identifying each county or state office that holds such  
37 28 records, and specifying the fees associated with each of the  
37 29 different types of records.

37 30 5. The fees collected, including those previously  
37 31 collected and deposited locally, pursuant to section 331.605C,  
37 32 shall be transferred to the treasurer of state for deposit  
37 33 into the local government electronic transaction fund.

37 34 Sec. 81. EFFECTIVE DATE. This division of this Act, being  
37 35 deemed of immediate importance, takes effect upon enactment.

38 1 DIVISION VIII  
38 2 CORRECTIVE PROVISIONS

38 3 Sec. 82. Section 8A.502, subsection 5, paragraph c, Code  
38 4 2005, is amended to read as follows:

38 5 c. The Iowa dairy industry commission as established in  
38 6 chapter 179, the Iowa beef cattle producers association as  
38 7 established in chapter 181, the Iowa pork producers council as  
38 8 established in chapter 183A, the Iowa egg council as  
38 9 established in chapter 184, the Iowa turkey marketing council  
38 10 as established in chapter 184A, the Iowa soybean ~~promotion~~  
~~38 11 board association as established~~ provided in chapter 185, and  
38 12 the Iowa corn promotion board as established in chapter 185C.

38 13 Sec. 83. Section 8A.502, subsection 10, Code 2005, is  
38 14 amended to read as follows:

38 15 10. Entities representing agricultural producers. To  
38 16 control the financial operations of the Iowa dairy industry  
38 17 commission as provided in chapter 179, the Iowa beef cattle  
38 18 producers association as provided in chapter 181, the Iowa  
38 19 pork producers council as provided in chapter 183A, the Iowa  
38 20 egg council as provided in chapter 184, the Iowa turkey  
38 21 marketing council as provided in chapter 184A, the Iowa  
38 22 soybean ~~promotion board association~~ as provided in chapter  
38 23 185, and the Iowa corn promotion board as provided in chapter  
38 24 185C.

38 25 Sec. 84. Section 10A.104, subsections 12 and 13, Code  
38 26 2005, are amended by striking the subsections.

38 27 Sec. 85. Section 12D.9, subsection 2, Code 2005, is  
38 28 amended to read as follows:

38 29 2. State income tax treatment of the Iowa educational  
38 30 savings plan trust shall be as provided in section 422.7,  
38 31 subsections 32, ~~and 33, and 34, and section 422.35, subsection~~  
~~38 32 14.~~

38 33 Sec. 86. Section 15.104, subsection 4, unnumbered  
38 34 paragraph 1, Code 2005, as amended by 2005 Iowa Acts, Senate  
38 35 File 205, section 5, is amended to read as follows:

39 1 Review and approve or disapprove a life science enterprise  
39 2 plan or amendments to that plan as provided in chapter 10C ~~as~~  
~~39 3 that chapter exists on or before June 30, 2005, and according~~  
39 4 to rules adopted by the board. A life science plan shall make  
39 5 a reasonable effort to provide for participation by persons  
39 6 who are individuals or family farm entities actively engaged  
39 7 in farming as defined in section 10.1. The persons may  
39 8 participate in the life science enterprise by holding an  
39 9 equity position in the life science enterprise or providing  
39 10 goods or service to the enterprise under contract. The plan  
39 11 must be filed with the board not later than June 30, 2005.  
39 12 The life science enterprise may file an amendment to a plan at  
39 13 any time. A life science enterprise is not eligible to file a  
39 14 plan, unless the life science enterprise files a notice with  
39 15 the board. The notice shall be a simple statement indicating  
39 16 that the life science enterprise may file a plan as provided  
39 17 in this section. The notice must be filed with the board not



39 18 later than June 1, 2005. The notice, plan, or amendments  
39 19 shall be submitted by a life science enterprise as provided by  
39 20 the board. The board shall consult with the department of  
39 21 agriculture and land stewardship during its review of a life  
39 22 science plan or amendments to that plan. The plan shall  
39 23 include information regarding the life science enterprise as  
39 24 required by rules adopted by the board, including but not  
39 25 limited to all of the following:

39 26 Sec. 87. Section 15H.3, subsection 5, if enacted by 2005  
39 27 Iowa Acts, House File 478, section 3, is amended to read as  
39 28 follows:

39 29 5. Members shall serve staggered terms of three years  
39 30 beginning ~~and ending as provided by section 69.19 July 1.~~  
39 31 Members of the commission shall serve no more than two three=  
39 32 year terms. Any vacancy shall be filled in the same manner as  
39 33 the original appointment.

39 34 Sec. 88. Section 97.51, subsections 4 and 6, Code 2005,  
39 35 are amended to read as follows:

40 1 4. Any public employee subject to coverage under the  
40 2 provisions of chapter 97, Code 1950, as amended, in public  
40 3 service as of June 30, 1953, and who has not applied for and  
40 4 qualified for benefit payments under the provisions of chapter  
40 5 97, Code 1950, as amended, who had contributed to the Iowa  
40 6 old-age and survivors' insurance fund prior to the repeal of  
40 7 ~~said~~ chapter 97, Code 1950, as amended, shall be entitled to a  
40 8 refund of contributions paid into the Iowa old-age and  
40 9 survivors' insurance fund by such employee without interest,  
40 10 but there shall be deducted from the amount of any such refund  
40 11 any amount which has been or will be paid in the employee's  
40 12 behalf as the employee's contribution as an employee to obtain  
40 13 retroactive federal social security coverage. Any former  
40 14 public employee not in public service as of June 30, 1953, who  
40 15 has contributed to the Iowa old-age and survivors' insurance  
40 16 fund, the employee's beneficiaries or estate, when no benefit  
40 17 has been paid under chapter 97, Code 1950, based upon such  
40 18 employee's prior record, shall be entitled to a refund of  
40 19 seventy-five percent of all contributions paid by the employee  
40 20 into said fund, without interest. The department shall  
40 21 prescribe rules in regard to the granting of such refunds. In  
40 22 the event of such refund any individual receiving the same  
40 23 shall be deemed to have waived any and all rights in behalf of  
40 24 the individual or any beneficiary or the individual's estate  
40 25 to further benefits under the provisions of chapter 97, Code  
40 26 1950, as amended.

40 27 6. In the payment of any benefits in the future, as a  
40 28 result of the provisions of chapter 97, Code 1950, as amended,  
40 29 the department shall follow the same procedure as provided by  
40 30 ~~said~~ chapter 97, Code 1950, as amended, as though said chapter  
40 31 had not been repealed, except the requirements of ~~section~~  
40 32 ~~97.21~~, subsection 4, paragraph "a", and subsection 5 of  
40 33 section 97.21, subsection 5 Code 1950, shall not be

40 34 applicable, but no primary benefit, based upon employment  
40 35 prior to June 30, 1953, shall be paid to any individual for  
41 1 any month during which the individual receives compensation  
41 2 for work in any position which would have been subject to  
41 3 coverage under the provisions of ~~said~~ chapter 97, Code 1950,  
41 4 as amended, if the individual's earnings for such month exceed  
41 5 one hundred dollars, nor shall any benefit be paid to a wife  
41 6 or dependent of such employee for such months, except that  
41 7 after a retired member reaches the age of seventy-two years,  
41 8 the member, the member's wife and dependents shall be entitled  
41 9 to the benefits of this chapter regardless of the amount  
41 10 earned.

41 11 Sec. 89. Section 97B.1A, subsection 8, paragraph b,  
41 12 subparagraph (5), Code 2005, is amended to read as follows:

41 13 (5) Employees of the Iowa dairy industry commission  
41 14 established under chapter 179, the Iowa beef cattle producers  
41 15 association established under chapter 181, the Iowa pork  
41 16 producers council established under chapter 183A, the Iowa  
41 17 turkey marketing council established under chapter 184A, the  
41 18 Iowa soybean ~~promotion board established under association as~~  
41 19 ~~provided in~~ chapter 185, the Iowa corn promotion board  
41 20 established under chapter 185C, and the Iowa egg council  
41 21 established under chapter 184.

41 22 Sec. 90. Section 99D.13, subsection 2, Code 2005, is  
41 23 amended to read as follows:

41 24 2. Winnings from each racetrack forfeited under subsection  
41 25 1 shall escheat to the state and to the extent appropriated by  
41 26 the general assembly shall be used by the department of  
41 27 agriculture and land stewardship to administer section 99D.22.  
41 28 The remainder shall be paid over to the commission to pay all



41 29 or part of the cost of drug testing at the tracks. To the  
41 30 extent the remainder paid over to the commission, less the  
41 31 cost of drug testing, is from unclaimed winnings from harness  
41 32 ~~racing meets~~ race meetings, the remainder shall be used as  
41 33 provided in subsection 3. To the extent the remainder paid to  
41 34 the commission, less the cost of drug testing, is from  
41 35 unclaimed winnings from licensed dog tracks, the commission  
42 1 shall remit annually five thousand dollars, or an equal  
42 2 portion of that amount, to each licensed dog track to carry  
42 3 out the racing dog adoption program pursuant to section  
42 4 99D.27. To the extent the remainder paid over to the  
42 5 commission, less the cost of drug testing, is from unclaimed  
42 6 winnings from tracks licensed for dog or horse races, the  
42 7 commission, on an annual basis, shall remit one-third of the  
42 8 amount to the treasurer of the city in which the racetrack is  
42 9 located, one-third of the amount to the treasurer of the  
42 10 county in which the racetrack is located, and one-third of the  
42 11 amount to the racetrack from which it was forfeited. If the  
42 12 racetrack is not located in a city, then one-third shall be  
42 13 deposited as provided in chapter 556. The amount received by  
42 14 the racetrack under this subsection shall be used only for  
42 15 retiring the debt of the racetrack facilities and for capital  
42 16 improvements to the racetrack facilities.

42 17 Sec. 91. Section 99D.13, subsection 3, unnumbered  
42 18 paragraph 1, Code 2005, is amended to read as follows:

42 19 One hundred twenty thousand dollars of winnings from wagers  
42 20 placed at harness ~~racing meets~~ race meetings forfeited under  
42 21 subsection 1 in a calendar year that escheat to the state and  
42 22 are paid over to the commission are appropriated to the racing  
42 23 commission for the fiscal year beginning in that calendar year  
42 24 to be used as follows:

42 25 Sec. 92. Section 126.23A, subsection 1, paragraph a,  
42 26 subparagraph (1), as enacted by 2005 Iowa Acts, Senate File  
42 27 169, section 3, is amended to read as follows:

42 28 (1) Sell a product ~~that contains more than three hundred~~  
42 29 ~~sixty milligrams of pseudoephedrine~~ in violation of section  
42 30 124.212, subsection 4.

42 31 Sec. 93. Section 126.23A, subsection 1, paragraph b,  
42 32 subparagraph (3), as enacted by 2005 Iowa Acts, Senate File  
42 33 169, section 3, is amended to read as follows:

42 34 (3) Require the purchaser to ~~legibly~~ sign a logbook and to  
42 35 also require the purchaser to legibly print the purchaser's  
43 1 name and address in the logbook.

43 2 Sec. 94. Section 126.23A, subsection 3, as enacted by 2005  
43 3 Iowa Acts, Senate File 169, section 3, is amended to read as  
43 4 follows:

43 5 3. A purchaser shall ~~legibly~~ sign the logbook and also  
43 6 legibly print the purchaser's name and address in the logbook.

43 7 Sec. 95. Section 135.43, subsection 3, paragraph g, as  
43 8 enacted in 2005 Iowa Acts, House File 190, section 2, is  
43 9 amended to read as follows:

43 10 g. In order to assist ~~another~~ a division of the department  
43 11 in performing the division's duties, if the division does not  
43 12 otherwise have access to the information, share information  
43 13 possessed by the review team. The division receiving the  
43 14 information shall maintain the confidentiality of the  
43 15 information in accordance with this section. Unauthorized  
43 16 release or disclosure of the information received is subject  
43 17 to penalty as provided in this section.

43 18 Sec. 96. Section 147.105, subsection 2, as enacted by 2005  
43 19 Iowa Acts, House File 418, section 1, is amended to read as  
43 20 follows:

43 21 2. Except as provided under subsections 5 and 6, a  
43 22 clinical laboratory or a physician providing anatomic  
43 23 pathology services to patients in this state shall not,  
43 24 directly or indirectly, charge, bill, or otherwise solicit  
43 25 payment for such services unless the services were personally  
43 26 rendered by ~~a~~ the clinical laboratory or the physician or  
43 27 under the direct supervision of a the clinical laboratory or  
43 28 the physician in accordance with section 353 of the federal  
43 29 Public Health Service Act, 42 U.S.C. } 263a.

43 30 Sec. 97. Section 231C.2, subsection 9, as amended by 2005  
43 31 Iowa Acts, House File 585, section 3, is amended to read as  
43 32 follows:

43 33 9. "Personal care" means assistance with the essential  
43 34 activities of daily living, which may include but are not  
43 35 limited to transferring, bathing, personal hygiene, dressing,  
44 1 grooming, and housekeeping, that are essential to the health  
44 2 and welfare of the tenant.

44 3 Sec. 98. Section 249.1, subsection 4, Code 2005, is  
44 4 amended to read as follows:

44 5 4. "Previous categorical assistance programs" means the  
44 6 aid to the blind program authorized by chapter 241, the aid to  
44 7 the disabled program authorized by chapter 241A and the old=  
44 8 age assistance program authorized by chapter 249 ~~of the~~ Code  
44 9 ~~of~~ 1973.  
44 10 Sec. 99. Section 249.10, Code 2005, is amended to read as  
44 11 follows:  
44 12 249.10 PRIOR LIENS, CLAIMS AND ASSIGNMENTS.  
44 13 Any lien or claim against the estate of a decedent existing  
44 14 on January 1, 1974, which lien was perfected or which claim  
44 15 was filed under the provisions of section 249.19, 249.20, or  
44 16 249.21 ~~as they appeared in the~~ Code ~~of~~ 1973, and prior Codes,  
44 17 and which liens or claims have not been satisfied, are void.  
44 18 Any assignment of personal property which was made under the  
44 19 provisions of chapter 249 ~~as it appeared in the~~ Code ~~of~~ 1973,  
44 20 and prior Codes, is void. The director may in furtherance of  
44 21 this section release any lien or claim created or existing  
44 22 under that chapter. Each release made pursuant to this  
44 23 section shall be executed and acknowledged by the director or  
44 24 the director's authorized designee, and when recorded shall be  
44 25 conclusive in favor of any third person dealing with or  
44 26 concerning the property affected by the release in reliance  
44 27 upon such record.  
44 28 Sec. 100. Section 257.28, Code 2005, is amended to read as  
44 29 follows:  
44 30 257.28 ENRICHMENT LEVY.  
44 31 If a school district has approved the use of the  
44 32 instructional support program for a budget year, the district  
44 33 shall not also collect moneys under the additional enrichment  
44 34 amount approved by the voters under chapter 442, ~~as it~~  
44 35 ~~appeared in~~ Code 1991, for the budget year.  
45 1 Sec. 101. Section 307.12, subsection 5, Code 2005, is  
45 2 amended to read as follows:  
45 3 5. Prepare a budget for the department, ~~subject to the~~  
45 4 ~~approval of the commission~~, and prepare reports required by  
45 5 law.  
45 6 Sec. 102. Section 321.43, Code 2005, is amended to read as  
45 7 follows:  
45 8 321.43 NEW IDENTIFYING NUMBERS.  
45 9 The department may assign a distinguishing number to a  
45 10 vehicle when the ~~serial vehicle identification~~ number on the  
45 11 vehicle is destroyed or obliterated and issue to the owner a  
45 12 special plate bearing the distinguishing number which shall be  
45 13 affixed to the vehicle in a position to be determined by the  
45 14 director. The vehicle shall be registered and titled under  
45 15 the distinguishing number in lieu of the former ~~serial vehicle~~  
45 16 ~~identification~~ number.  
45 17 Sec. 103. Section 321.65, Code 2005, is amended to read as  
45 18 follows:  
45 19 321.65 GARAGE RECORD.  
45 20 Every person or corporation operating a public garage shall  
45 21 keep for public inspection a record of the registration number  
45 22 and engine ~~or factory~~ serial number ~~or manufacturer's vehicle~~  
45 23 ~~identification number~~ of every motor vehicle offered for sale  
45 24 or taken in for repairs in said garage.  
45 25 Sec. 104. Section 321.90, subsection 2, paragraph b, Code  
45 26 2005, is amended to read as follows:  
45 27 b. The application shall set out the name and address of  
45 28 the applicant, and the year, make, model, and ~~serial vehicle~~  
45 29 ~~identification~~ number of the motor vehicle, if ascertainable,  
45 30 together with any other identifying features, and shall  
45 31 contain a concise statement of the facts surrounding the  
45 32 abandonment, or a statement that the title of the motor  
45 33 vehicle is lost or destroyed, or the reasons for the defect of  
45 34 title in the owner. The applicant shall execute an affidavit  
45 35 stating that the facts alleged are true and that no material  
46 1 fact has been withheld. An order for disposal obtained  
46 2 pursuant to section 555B.8, subsection 3, satisfies the  
46 3 application requirements of this paragraph.  
46 4 Sec. 105. Section 327B.1, subsection 6, as enacted by 2005  
46 5 Iowa Acts, House File 591, section 10, is amended to read as  
46 6 follows:  
46 7 6. A motor carrier ~~owner or driver~~ shall ~~carry~~ keep proper  
46 8 evidence of interstate authority in the motor ~~carrier vehicle~~  
46 9 ~~being operated by the motor carrier and the motor carrier~~  
46 10 ~~owner or driver~~ shall make such evidence available to a peace  
46 11 officer upon request.  
46 12 Sec. 106. Section 331.606, subsection 3, Code 2005, is  
46 13 amended to read as follows:  
46 14 3. The county recorder may give the county sheriff the  
46 15 records filed under this chapter or chapter 695 ~~of prior~~

~~46 16 Codes, Code 1977, pertaining to the sale and registration of~~  
46 17 weapons or may dispose of those records if the sheriff does  
46 18 not wish to receive the records.  
46 19 Sec. 107. Section 602.1304, subsection 2, paragraph b,  
46 20 Code 2005, as amended by 2005 Acts, House File 826, section 3,  
46 21 is amended to read as follows:  
46 22 b. For each fiscal year, a judicial collection estimate  
46 23 for that fiscal year shall be equally and proportionally  
46 24 divided into a quarterly amount. The judicial collection  
46 25 estimate shall be calculated by using the state revenue  
46 26 estimating conference estimate made by December 15 pursuant to  
46 27 section 8.22A, subsection 3, of the total amount of fines,  
46 28 fees, civil penalties, costs, surcharges, and other revenues  
46 29 collected by judicial officers and court employees for deposit  
46 30 into the general fund of the state. The revenue estimating  
46 31 conference estimate shall be reduced by the maximum amounts  
46 32 allocated to the Iowa prison infrastructure fund pursuant to  
46 33 section 602.8108A, the court technology and modernization fund  
46 34 pursuant to section 602.8108, subsection 7, the judicial  
46 35 branch pursuant to section 602.8108, subsection 7A, and the  
47 1 road use tax fund pursuant to section 602.8108, subsection 8,  
47 2 ~~and amounts allocated to the department of public safety's~~  
~~47 3 vehicle depreciation account pursuant to section 602.8108,~~  
~~47 4 subsection 9,~~ and the remainder shall be the judicial  
47 5 collection estimate. In each quarter of a fiscal year, after  
47 6 revenues collected by judicial officers and court employees  
47 7 equal to that quarterly amount are deposited into the general  
47 8 fund of the state, after the required amount is deposited  
47 9 during the quarter into the Iowa prison infrastructure fund  
47 10 pursuant to section 602.8108A and into the court technology  
47 11 and modernization fund pursuant to section 602.8108,  
47 12 subsection 7, and after the required amount is allocated to  
47 13 the judicial branch pursuant to section 602.8108, subsection  
47 14 7A, ~~and to the department of public safety's vehicle~~  
~~47 15 depreciation account pursuant to section 602.8108, subsection~~  
~~47 16 9,~~ the director of the department of administrative services  
47 17 shall deposit the remaining revenues for that quarter into the  
47 18 enhanced court collections fund in lieu of the general fund.  
47 19 However, after total deposits into the collections fund for  
47 20 the fiscal year are equal to the maximum deposit amount  
47 21 established for the collections fund, remaining revenues for  
47 22 that fiscal year shall be deposited into the general fund. If  
47 23 the revenue estimating conference agrees to a different  
47 24 estimate at a later meeting which projects a lesser amount of  
47 25 revenue than the initial estimate amount used to calculate the  
47 26 judicial collection estimate, the director of the department  
47 27 of administrative services shall recalculate the judicial  
47 28 collection estimate accordingly. If the revenue estimating  
47 29 conference agrees to a different estimate at a later meeting  
47 30 which projects a greater amount of revenue than the initial  
47 31 estimate amount used to calculate the judicial collection  
47 32 estimate, the director of the department of administrative  
47 33 services shall recalculate the judicial collection estimate  
47 34 accordingly but only to the extent that the greater amount is  
47 35 due to an increase in the fines, fees, civil penalties, costs,  
48 1 surcharges, or other revenues allowed by law to be collected  
48 2 by judicial officers and court employees.  
48 3 Sec. 108. Section 602.8108, subsection 2, Code 2005, as  
48 4 amended by 2005 Acts, House File 826, section 5, is amended to  
48 5 read as follows:  
48 6 2. Except as otherwise provided, the clerk of the district  
48 7 court shall report and submit to the state court  
48 8 administrator, not later than the fifteenth day of each month,  
48 9 the fines and fees received during the preceding calendar  
48 10 month. Except as provided in subsections 3, 4, 5, 7, 7A, and  
48 11 8, ~~and 9,~~ the state court administrator shall deposit the  
48 12 amounts received with the treasurer of state for deposit in  
48 13 the general fund of the state. The state court administrator  
48 14 shall report to the legislative services agency within thirty  
48 15 days of the beginning of each fiscal quarter the amount  
48 16 received during the previous quarter in the account  
48 17 established under this section.  
48 18 Sec. 109. Section 633.10, subsection 5, Code 2005, is  
48 19 amended to read as follows:  
48 20 5. ACTIONS FOR ACCOUNTING.  
48 21 An action for an accounting against a beneficiary of a  
48 22 transfer on death security registration, pursuant to ~~this~~  
48 23 chapter 633D.  
48 24 Sec. 110. CONTINGENT EFFECTIVE DATE. The section of this  
48 25 division of this Act amending section 10A.104 is contingent  
48 26 upon the enactment of 2005 Iowa Acts, House File 770.

